IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13949 of 2005
Date of decision 21 .9.2006

Dharam Vir Yadav .. petitioner

Versus

Haryana Vidyut Parsaran Nigam Ltd. Haryana and others
.. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Mohnish Sharma, Advocate for the petitioner
Mr. Gaurav Mohunta, Advocate for the respondents .

M.M.Kumar, J.

The prayer made by the petitioner is for issuance of direction to the respondents to pay him interest @ 18 percent p.a. on the delayed payment of arrears of pay, dearness allowance, leave encashment, gratuity and pension. The arrears were required to be paid in compliance of the directions issued by this Court on 26.4.2003 (Annexure P.1).

The facts which have led to the filing of the instant petition are that the petitioner after serving as Junior Engineer in the Erstwhile Haryana State Electricity Board (now Haryana Vidyut Parsaran Nigam Ltd.) has retired on superannuation on 31.10.1995. The petitioner has earlier filed CWP No. 4013 of 1978 challenging the circular issued by the Board fixing the ratio for promotion to the post of Junior Engineers from the cadre of Line Superintendents which created a distinction between the diploma and non diploma holders. A Division Bench of this Court had allowed the writ petition on 20.5.1980. However, the petitioner could not reap the benefit of the directions issued by the Division Bench as COCP No. 158 of 1987 was dismissed on 21.5.1987 being time barred. Eventually, the petitioner again

filed CWP No. 7382 of 1988 seeking a direction to the respondents to consider the case of the petitioner for further promotion to the rank of Junior Engineer w.e.f. the date his juniors have been promoted with all consequential benefits. On 26.2.2003, the writ petition was allowed and it was held that S/Shri J.P.Garg and K.K.Rawal, Junior Engineers were junior to the petitioner and were promoted on account of quota system made between diploma and non diploma holders by virtue of the circular issued on 9. 8.1974. They were also impleaded as party respondents. Accordingly a direction was issued that the judgment of this Court delivered on 20.5.1980 must be implemented. A further direction was issued to grant all consequential benefits to the petitioner ensuing from the afore-mentioned judgement. A copy of the judgement has been placed on record as Annexure P.1.

In pursuance to the directions issued in the judgements dated 26.2.2003 and 20.5.1980, the respondents have passed an order that the petitioner is entitled to all consequential benefits ensuing from his deemed date of promotion and has paid those monetary benefits as well. However, no order has been passed awarding interest on the delayed payment and in the instant petition, the petitioner has claimed the payment of interest for the delayed payment of arrears of pay, dearness allowance, leave encashment, gratuity, pension etc.

Having heard the learned counsel, we are of the view that the petitioner has already approached this Court a number of times by filing two writ petitions and a contempt petition. It is evident that there is a delay in payment of all his dues as he had retired on 31.10.1995 and his dues have been paid in July, 2005. We are of the view that the delay caused in

payment of his dues deserved to be compensation by award of interest @ 9 percent p.a. . For the afore-mentioned view, we draw support from the view taken by a Full Bench of this Court in the case of R.S.Randhawa v. State of Punjab and others 1997(3) RSJ 318. The interest @ 9 % be calculated within a period of one month from the date of receipt of copy of this order and the same be disbursed to the petitioner within next one month.

The writ petition stands disposed of in the above terms.

(M.M.Kumar)
Judge

(M.M.S.Bedi)
Judge

21.9.2006
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